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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,002	09/23/2005	Mugihei Ikemizu	2936-0249PUS1	1240
2292 7590 03/23/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
CORMIER, DAVID G				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/550,002

Applicant(s)

IKEMIZU ET AL.

Examiner

DAVID CORMIER

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 01/29/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on January 29, 2009. Claims 1, 3-5, and 7-10 are pending. Claims 1, 3-5, 7, and 8 have been amended. Claims 2 and 6 have been canceled, and Claims 9 and 10 are new.

Specification

2. The amendments to the abstract and specification filed January 29, 2009 are accepted.

Drawings

3. The drawings filed January 29, 2009 are accepted.

Inventorship

4. The Examiner acknowledges that the present application and U.S. Patent Application No. 10/535247 were, at the time of the invention of the present application, commonly owned.

Double Patenting

5. The Terminal Disclaimer filed January 29, 2009 is accepted.

Response to Arguments

6. The rejections under 35 U.S.C 112, second paragraph, made of record in the Office Action mailed October 29, 2008, have been withdrawn in response to Applicant's amendments and arguments filed January 29, 2009.
7. The rejection of Claim 1 as being unpatentable under 35 U.S.C. 103(a) over Japanese Utility-Model Application No. 151219/1979 (Laid-open No. 69372/1981, Tokyo Shibaura Electric Co., Ltd). in view of Ando et al. (JP 2001-276484), made of record in the Office Action mailed October 29,2008, has been withdrawn in response to Applicant's amendments filed January 29, 2009.
8. The rejections of Claim 1-8 as being unpatentable under 35 U.S.C. 103(a) over Hird (WO 01/071084) in view of Ando et al. (JP 2001-276484), made of record in the Office Action mailed October 29,2008, have been withdrawn in response to Applicant's amendments filed January 29, 2009.
9. Applicant's arguments against the combination of TSE (Japanese Utility-Model Application No. 151219/1979) in view of Ando et al. (JP 2001-276484) are not persuasive, even though the rejection is moot due to Applicant's amendment. Applicant argues that TSE in view of Ando et al. fails to disclose or suggest supplying metal-ion-added water during balance correction. TSE, however, does disclose the use of a processing agent, where a different processing is performed depending on whether the processing agent has been supplied or not. One of ordinary skill in the art would recognize that the processing agent could be any other processing agent, such as ion added water, which would have the added benefit of disinfecting the laundry.

10. Applicant's arguments against the combination of Hird (WO 01/071084) in view of Ando et al. (JP 2001-276484) are not persuasive. Applicant argues that Hird in view of Ando et al. fails to disclose or suggest supplying metal-ion-added water during balance correction. But because the claimed structural limitations (washing machine having a laundry tub, an ion eluting portion, a sensing portion, and an imbalance correcting portion) are met by Hird in view of Ando et al. and the modification would have been an effective way to disinfect laundry, it is deemed that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hird as taught by Ando et al. All other claimed limitations are not structural, but are intended use, functional, or conditional limitations. For example, the conditional limitation in line 7 of Claim 1, "in a case where..." is not considered to be a necessary limitation of the claim, and all subsequent limitations that depend from it are also not necessary. Additionally, the use limitations have not been positively recited as being programmed instructions in a microprocessor or controller, and therefore are considered to be intended use limitations, and given no patentable weight.

Information Disclosure Statement

11. The information disclosure statement filed January 29, 2009 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in

the English language. Those references, which have not been considered, have been crossed out and are not initialed by the Examiner.

Claim Rejections

12. The text of those sections of Title 35, U.S. Code not included in this section can be found in a prior Office Action.

Claim Rejections - 35 USC § 112

13. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 1 recites the limitation "the imbalance correction portion" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. Claims 1, 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hird (WO 01/071084) in view of Ando et al (JP 2001-276484).

16. Claim 1 is to a washing machine with a laundry drum, an ion eluting portion, a sensing portion and an imbalance correction portion.

17. Regarding Claim 1, Hird discloses a washing machine with a laundry drum (Figure 1, part 50; page 3, lines 29-30), which is provided with a sensing portion ("a sensor which monitors the value of the mains supply voltage and a tachometer which

monitors the speed of motor M") for detecting imbalances in the textiles (Figure 2, part T; page 6, lines 8-10), and imbalance correcting portion ("controller" and "control software") for controlling an imbalance correction operation (Figure 2, parts 100 and 105; page 6, lines 1-2 and 23-27).

18. Hird does not explicitly disclose an ion eluting portion.

19. Ando et al discloses a washing machine with an ion eluting portion, namely silver electrodes for electrolytically adding silver ions to water for its antibacterial effects (machine translation, abstract; paragraphs 1-6).

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Hird, as taught by Ando et al, and to add the capability of eluting metal ions to the washer of Hird. One would have been motivated to do so in order to receive the expected benefit of having the antibacterial effect.

21. The claimed "imbalance correcting portion" of Claim 1 is considered to be taught by Hird. The basis for this assertion is that the microprocessor of Hird can perform two functions, such as rotating the drum at a speed of 83 rpm to redistribute the load (page 7, lines 15-16) and rotating different segments of the drum at different velocities (page 8, lines 21-23). This indicates that the microprocessor of Hird is programmed to perform two different tasks as in Claim 1.

22. The *conditional limitations* of Claims 1 and 10, such as "in a case..." (Claim 1, line 7), and "when the sensing portion detects..." then "the imbalance correcting portion performs..." (Claim 10 beginning at like 2) are not necessary limitations that the prior art must meet. The use of the washing machine in Claims 1, 3, 4, 9, and 10 are regarded

as intended use of the washing apparatus as taught by Hird and Ando et al and are not further limiting in so far as the structure of the apparatus is concerned. The claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The washer of Hird and Ando et al is capable of performing balance correction rinsing, of supplying different quantities of water or ions, and of agitating the laundry load.

23. Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hird (WO 01/071084), in view of Ando et al (JP 2001-276484), and further in view of Jeon et al. (US 6,286,344).

24. Claims 5, 7, and 8 require a drum (Hird Figure 1, part 50) disposed so that a rotation axis thereof is slanted with respect to the vertical direction. Hird in view of Ando et al. is relied upon as applied to Claims 1, 3, and 4, respectively. Hird in view of Ando et al. does not expressly disclose tilting the washing drum so that a rotation axis is slanted with respect to a vertical direction.

25. Jeon et al. discloses a washing machine having a "washing tub" (60) slanted with respect to a vertical direction (Figure 2). The tilted washing tub of Jeon et al. makes adding and removing laundry to tub more convenient to a user (column 2, lines 61-67).

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hird, in view of Ando et al., as taught by Jeon et al., and to have the drum disposed so that a rotation axis is slanted with respect to a vertical direction. One would have been motivated to do so in order to gain the expected benefit of easy access to the tub for the user.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID CORMIER** whose telephone number is (571) 270-7386. The examiner can normally be reached on Monday - Thursday 8:30 - 6:00.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/DGC/
David Cormier
03/13/2009